

REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

I. Status of Claims

Prior to entry of this paper, Claims 1-30 were pending. Claims 1-30 were rejected. In this paper, Claims 1, 5, 12, 21, and 30 are amended. Claims 1-30 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, it is respectfully submitted that each of the presently pending claims is in condition for allowance.

II. Claim Rejections - 35 U.S.C. § 101

Claim 30 was rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With this paper, Claim 30 has been amended to recite a computer readable medium encoded with instructions executable by a computer to cause the computer to perform actions. The amended form of Claim 30 recites is a computer element that defines structural and functional interrelationships between the instructions and the rest of the computer which permit the instructions' functionality to be realized. In light of this amendment, it is respectfully submitted that the subject matter of Claim 30 is statutory. Withdrawal of the previous rejection under 35 U.S.C. §101 is respectfully requested.

III. Claim Rejections - 35 U.S.C. § 112

Claim 5 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With this paper, Claim 5 has been amended to provide antecedent basis for the claimed “the auditory challenge”. As such, it is respectfully submitted that amended Claim 5 particularly points out and distinctly claims the subject matter which is regarded as the claimed invention. Accordingly, withdrawal of the previous rejection under 35 U.S.C. §112, 2nd ¶, is respectfully requested.

IV. Claim Rejections - 35 U.S.C. § 103

Claims 1-3 and 5-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Benowitz et al., U.S. Patent Publication No. 2003/0236847 (hereafter “Benowitz”) in view of Wilson, U.S. Patent Publication No. 2004/0015554 (hereafter “Wilson”). **Claim 4** was rejected under 35 U.S.C. 103(a) as being unpatentable over Benowitz in view of Wilson and further in view of Burrows et al., U.S. Patent No. 7,149,801 (hereafter “Burrows”).

With this paper, at least Claims 1, 12, 21, and 30 have been amended. These claims have been amended to clarify the stage at which email communication is controlled in response to a determined condition or the state of a provided challenge. Support for such an amendment can be found throughout the specification as originally filed, and particularly on page 9, lines 24-26, and page 10, lines 1-3 and 16-18, as well as in Figures 5A and 5B.

Claim 1, for example, has particularly been amended to further recite, “wherein disabling the client’s outbound message usage occurs prior to sending an outbound message for the client”.

It is respectfully submitted that neither Benowitz nor Wilson nor Burrows teach or suggest such a limitation.

In contrast to the claimed invention, Benowitz enables a user to “set limits on the amount of email received” (emphasis added)[para. 0108]. Benowitz clearly discloses that “receiving email” is not the same as “sending email”. Paragraph 0092 particularly discusses communication being transmitted at least twice (between the email system of the sender and the sender’s server as well as

between the sender's server and the receiver's server) before reaching an authorization system. The system of Benowitz does not inhibit such transmission or sending. In fact, methods of operation shown in Benowitz (Figure 1A, Figure 5, Figure 6, Figure 7, and Figure 9, for example) explicitly involve such an initial transmission (14 or 152 or 206 or 304 or 408, for example) of a message before a message is handled (para. 0063, 0087, 0092, 0102).

Such responsive handling of email "[u]pon receipt of the communication" [para. 0063] in Benowitz does not teach or suggest "disabling the client's outbound message usage until the visual challenge is resolved, wherein disabling the client's outbound message usage occurs prior to sending an outbound message for the client" as is further claimed in amended Claim 1.

It is respectfully submitted that this deficiency is not cured by the teachings of Wilson. In fact, the system of Wilson also operates "[w]hen an email message arrives at the recipient's system" [para. 0053]. As shown in Figure 2, the system of Wilson involves the initial receipt of an unsolicited message from a sender. As such, the system of Wilson is also a reactive system that fails to teach or suggest "disabling the client's outbound message usage until the visual challenge is resolved, wherein disabling the client's outbound message usage occurs prior to sending an outbound message for the client" as is further claimed in amended Claim 1.

It is also respectfully submitted that Burrows fails to cure the above noted deficiency. Burrows also first requires the initial receiving (and hence outbound sending from an email client) of an email message "not from a white listed sender and without a stamp" (col. 25, lines 1-4). Similar to the operations of Benowitz and Wilson, the teachings of Burrows occur "if a message arrives" (col. 25, lines 47-51). As such, the system of Burrows is also a reactive system that fails to teach or suggest "disabling the client's outbound message usage until the visual challenge is resolved, wherein disabling the client's outbound message usage occurs prior to sending an outbound message for the client" as is further claimed in amended Claim 1.

Again, the fact that a message is received in at least one stage of each of the email communication arrangements of Benowitz, Burrows, and Wilson is indicative of the fact that the

11